

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Jermaine White

Date of Original Judgment: 05/04/2022

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 5:21-CR-00038-002

USM No: 51056-509

Charles E. Cox, Jr.

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 37 months is reduced to TIME-SERVED.

White was originally sentenced on May 3, 2022, to a term of 37 months imprisonment on each count, to be served concurrently with each other, but to be served consecutively to cases in Bibb and Twiggs Counties, respectively. His imprisonment is to be followed by one year of supervised release. He is required to pay a total of \$200 for his mandatory assessments. The Court determined that his total offense level was 13 and his criminal history category was V, which yielded an advisory sentencing range of 30-37 months. His criminal history subtotal was eight (8). Two additional criminal history points were added for being under a criminal justice sentence when he committed the instant Federal offense. This resulted in 10 criminal history points which yielded a criminal history category V. Based on retroactive Amendment 821, Part A to the *United States Sentencing Guidelines*, defendants with seven (7) or more criminal history points receive one point for being under a criminal justice sentence instead of two when he was originally sentenced. A total of nine (9) criminal history points would yield a criminal history category IV, if granted by the Court. A total offense level 13 with a criminal history category IV, produces an advisory sentencing range of 24-30 months. The government agrees that White is eligible for relief and recommends a sentence at the top of the new range. Ordinarily, this would result in the Court appointing counsel for the defendant. However, White is scheduled to release from custody on February 29, 2024. Even a sentence at the top of the new range will result in a sentence of TIME-SERVED, effective February 1, 2024.

Except as otherwise provided, all provisions of the judgment dated 05/04/2022 shall remain in effect.

IT IS SO ORDERED.

Order Date: 1/9/2024

S/Marc T. Treadwell
Judge's signatureEffective Date: 02/01/2024
(if different from order date)Marc T. Treadwell, Chief U.S. District Judge
Printed name and title